IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

WP(C).No. 34021 of 2007(A)

PETITIONER:

SRI.P.G.ABRAHAM THARAKAN,
S/O.LATE P.K.GEORGE THARAKAN, AGED 60 YEARS,
AYANATTUPARAYIL, THYKATTUSSERI POST,
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.MURALEEDHARAN PILLAI

RESPONDENTS:
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1. **SRI.MEJO, S/O.JOY, AGED 25,**
   POMPZHIYIL HOUSE, WARD NO.28,
   CHERTHALA.

2. **THE SUB INSPECTOR OF POLICE,**
   POLICE STATION, CHERTHALA.

BY ADV. SRI.R.HARIKRISHNAN
SMT.R.REMA
SMT.P.V.PARVATHY
BY GOVERNMENT PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.34021/2007 A

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE TAX RECEIPT DTD. 25/06/1951.

EXT.P2: COPY OF THE TAX RECEIPT DTD. 12/07/1954.

EXT.P3: COPY OF THE TAX RECEIPT DTD. 21/03/2003.

EXT.P4: COPY OF THE TAX RECEIPT DTD. 28/05/2007.

EXT.P5: COPY OF THE POSSESSION CERTIFICATE DTD. 29/06/2007.

EXT.P6: COPY OF THE COMPLAINT DTD. 06/03/2007.

EXT.P7: COPY OF THE FINAL REPORT DTD. 05/05/2007.

EXT.P8: COPY OF THE COMPLAINT DTD. 23/08/2007.

EXT.P9: COPY OF THE RECEIPT DTD. 24/08/2007.

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A): COPY OF THE SAID PARTITION DEED DTD.26TH DAY OF 'DHANU' 1082 M.E.

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 34021 OF 2007-A

Dated 27th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner claims possession and ownership of a coconut garden. According to him, the 1st respondent has committed theft of coconut from it and on the information lodged by him, a crime has been registered against the said respondent. The said incident took place in March, 2007. On 23.8.2007, when the petitioner along with his workmen went to the coconut garden for plucking coconuts, the 1st respondent came there and took away two bunches of coconut. The petitioner claims, in relation to the said incident he filed a complaint before the police. But, the police did not take any effective action. So, this writ petition is filed, praying for protection to the life and property of the petitioner and also of his workmen, to carry out agricultural operations in his property.

2. The 1st respondent has filed a counter affidavit, stating that he is the owner of the property and the claim of the petitioner over the property is

unfounded. He relies on Ext.R1(A) title deed in support of that submission.

3. We find that this is a civil dispute between the parties concerning the right over a coconut garden. The police have no role, whatsoever, to play in this dispute. The petitioner has to move the civil court and seek appropriate reliefs. If the orders of the civil court are disobeyed by the defendant concerned, the court has ample powers to address the police to render sufficient assistance to the plaintiff. In view of the above position, the writ petition is dismissed without prejudice to the contentions of both sides.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/